

67367

No.	File name	P i l e r	Entry date	Rev. date	Pages
	JAMES G. GOODMAN JR/10/17/96	679	10-25-1996	10-25-1996	1
	ALARP.HALL/10/17/96	680	10-25-1996	10-25-1996	1
	CHARLES T. JONES/10/17/96	681	10-25-1996	10-25-1996	1
	SAMUEL D. BUDRAUTIC/10/17/96	682	10-25-1996	10-25-1996	2
	RON GASTON/10/17/96	683	10-25-1996	10-25-1996	2
	ROBYN STRICKLAND/10/17/96	684	10-25-1996	10-25-1996	1
	DAVID K. SMITH/10/17/96	685	10-25-1996	10-25-1996	3
	RALPH L. LOUK/10/17/96	686	10-25-1996	10-25-1996	2
	BILLY E. SIMPKINS II/10/17/96	687	10-25-1996	10-25-1996	1
	DONALD A. RYAN/10/17/96	688	10-25-1996	10-25-1996	2
	CROUNSE CORP./D. REED/10/17/96	689	10-28-1996	10-28-1996	7
	MIDLAND/W.S. NOBLE/10/17/96	690	10-28-1996	10-28-1996	2
	RONARD R. THORNTON/10/17/96	691	10-28-1996	10-28-1996	2
	JAMES A. GENDRE/10/17/96	692	10-28-1996	10-28-1996	1
	RONALD L. WARD II/10/17/96	6	10-28-1996	10-28-1996	1
	RANDY LUNDGREN/10/17/96	6	10-28-1996	10-28-1996	2
	KENNETH W. GREENWAY/10/17/96	6	10-28-1996	10-28-1996	2
	S.H.L.S.O.S./W. EGLINTON/10/17/96	6	10-28-1996	10-28-1996	2
	ZANE G. NEEK/10/17/96	6	10-28-1996	10-28-1996	1
	RONALD W. BURRIS/10/17/96	6	10-28-1996	10-28-1996	1
	RICARKE/10/17/96	699	10-28-1996	10-28-1996	1
	TIDEWATER MARINE/QUIST/10/17/96	700	10-28-1996	10-28-1996	2
	OIL SPILL TASK FORCE/10/17/96	701	10-28-1996	10-28-1996	1
	STEVE PRICE/10/17/96	702	10-28-1996	10-28-1996	1
	EDWARD SHAFFER/10/17/96	7	10-28-1996	10-28-1996	1
	WILLIAM J. STEWART/10/17/96	7	10-28-1996	10-28-1996	1
	JAMES W. BAIRD/10/17/96	7	10-28-1996	10-28-1996	3
	A M & O TOWING INC./10/17/96	7	10-28-1996	10-28-1996	1
	BILLY R. GORDON/10/16/96	7	10-28-1996	10-28-1996	4
	GENE RIDER/10/17/96	7	10-28-1996	10-28-1996	1

USCG-99-6224-43

(Name) DONALD D KELLY  
 (Mailing Address) 828 DOUGLAS  
 (City/State) ALTON ILLINOIS  
 (Date) 10-13-96

OCT 15 1996

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
 United States Coast Guard Headquarters  
 2100 Second Street, SW  
 Washington, DC 20593 0001

SUBJECT: My comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

- ① IN MOST SITUATIONS THE COAST GUARD SEEMS TO TRY TO CORRECT PROBLEMS BY DEALING WITH COMPANIES INSTEAD OF MARINERS THAT HAVE TO LIVE BY THESE CHANGES, WHEN COMPANIES ARE MORE CONCERNED ABOUT THEIR COSTS.
- ② TO INCREASE SAFETY, RESTRICTIONS SHOULD BE PLACED ON BOATS, NOT HORSEPOWER RESTRICTIONS ON LICENSE. UNDER NORMAL ~~CONDITIONS~~ CONDITIONS 200 HP PER 1500 TON OF CARGO IS SAFE, 250 HP PER 1500 TONS IN MODERATE CURRENT & 300 HP OR MORE DURING FAST CURRENT OR QUICK RISES IN RIVERS. COMPANIES WILL NOT WANT THIS BECAUSE OF CUT IN PROFITS.
- ③ ESCALATING COSTS ARE NOT AFFORDABLE TO MANY MARINERS THAT HAVE NOT HAD PAY RAISES FOR

Signature: Donald D Kelly (Attach additional pages)

601

- ③ CON'T SOME TIME & HAVE TO LIVE ON A TIGHT BUDGET.
- ④ MASTERS OF A VESSEL CANNOT BE RESPONSIBLE FOR ACTIONS OF OTHER INDIVIDUALS & SHOULD MAKE SAFETY OF PERSONEL & EQUIPMENT A TOP PRIORITY, BUT CANNOT BE RESPONSIBLE 24 HOURS A DAY & HAVE OTHER DUTIES ALSO THAT CANNOT BE CONDUCTED PROPERLY WITHOUT ADEQUATE REST TIME.
- ⑤ A 3000 HP RESTRICTION ON A LICENSE IS NOT FAIR TO MANY MARINERS INCLUDING MYSELF, I HAVE OPERATED 1800 HP TOWBOATS ON THE UPPER MISS. & ILLINOIS RIVERS FOR 16 YEARS AS PILOT OR CAPTAIN. WE HAVE HANDLED 12 LOADS ON A REGULAR BASIS & SHOULD BE ALLOWED TO HANDLE 15 LOADS EASILY WITH BIGGER BOATS THAT HAVE OVER 3,000 HP WHICH WOULD REQUIRE ALOT LESS SKILL, WITHOUT HAVING TO RETRAIN. LIMITING MY LICENSE TO LESS THAN 3,000 HP WOULD ALSO ALLOW COMPANIES TO DICTATE TO YOU WHAT WILL BE DONE OR HOW MANY BARGES YOU WILL HANDLE BECAUSE YOU WILL BE LIMITED TO WHERE YOU CAN WORK & ON WHAT SIZE BOATS, ESPECIALLY WHEN YOU DON'T HAVE THE YOUTHFULNESS & TRAINING TO GET INTO ANOTHER VOCATION.

Donald D Kelly OUTV

October 14, 1996

LCDR Don Darcy  
Operating and Environmental Standards Division  
U. S. Coast Guard  
2100 Second Street SW  
Washington, DC 20593-0001

Dear Commander Darcy:

This letter is intended to present my views and the views of many other owners, operators, and officers involved in the inland marine transportation business.

Before the Coast Guard makes any changes whatsoever in the licensing structures of inland mariners an independent study should be made to determine if anything was really accomplished by instituting licensing in this industry. The United States Coast Guard is in the very enviable position of having all of the authority and none of the responsibility for safety in the marine industry. I believe a fair, impartial study would probably indicate that licensing has contributed nothing to safety on the Inland Waterways. The simple facts are that owners are responsible for any damage an operator does. Small incidents below the owner's deductible are handled out of company revenues and larger incidents are paid for by the company's insurance carrier. I have no personal knowledge of the tax payers or the Coast Guard paying for any damage done by Inland River towboats and barges. In every case that I have personal knowledge of either the owner or the insurance company paid the full amount of the damage.

My understanding is that this whole process is a result of the AMTRAK accident at the Bayou Canot Bridge. This accident was a direct result of a person being in the pilothouse who should not have been there and would not have been there had it not been for the 1964 Civil Rights Act and subsequent lawsuits and legislation which set the stage for an incompetent person to be promoted to the job of pilot on an Inland River towboat. Anytime anyone is exempt from the rules the rest of us live by there will be some incidents of situations that would have been prevented had these exceptions not been in place. I am enclosing a letter I wrote several years ago which I think fairly and completely covers that situation.

602




**American  
General  
Transportation  
Inc.**

P.O. BOX 510  
MOBILE, ALABAMA 36601  
(205) 6265861

Page 2

October 14, 1996

LCDR Don Darcy




Several years ago the Coast Guard virtually eliminated the route structure of the Operators License of Uninspected Towboats. The licensing system when it was originated was broken into Western Rivers, Inland, and Oceans with an additional endorsement for Great Lakes. In order for us to comply with some standardization agreement with other maritime countries, this system was abandoned and the present system installed. The proposal to change this system is ridiculous and would be an unnecessary burden on an industry already over burdened with regulations and taxation. Just yesterday I learned of another cargo move that has moved to rail from water . This move has been a water transportation move for over fifteen years. This change will idle about fourteen towboats and the equivalent of over 200 barges while adding the necessary unit trains to move the displaced cargo. I can assure you that more people will be killed at railroad crossings by the added trains over the next fifteen years than died in the accident at the Bayou Canot Bridge. The move of this cargo from one mode to another is a direct result of the lost efficiency The inland industry has suffered from a fuel tax started in 1980. This tax has grown to \$.243 per gallon, and on a large towboat amounts to more than the crew costs. Government regulations and the cost of complying continue to add costs with no offsetting benefits. Diesel engines manufactured in the future under the requirements of the Clean Air Act will continue to return more of the products of combustion and the particulate into the crankcase which will shorten the period between lube oil changes and cause additional wear to the lower end of the engines adding additional costs. At every turn some new government regulation adds cost that must be past on in the freight rates. The result being, cargos are shifted to other modes of transportations or in some cases brought from foreign countries to offset these additional costs. Somewhere sometime someone in this country must realize if we are to continue as a viable economy this system must change. The cry for license changes comes from a very small group with some very special interests of their own. I clearly understand that the Coast Guard's interest is to satisfy the elected officials that they are offering an acceptable level of regulation to insure a reasonable level of safety, and they have done more than that for a long time. On a ton mile basis (the only fair calculation to use) you will find that the Inland Waterways system is the world's safest mode of transportation. It seems ridiculous to add costly regulations which will move tonnage to transportation modes that are not so safe.

Page 3

October 14, 1996

LCDR Don Darcy



The ultimate decision of the horsepower boat used on a particular tow should remain with the owners and operators and to separate the license by horsepower would be ridiculous. The system has worked well, and it does not require change. The skills required and the level of skills required to handle a small tow with a small boat in a bad situation may be greater than the skills required on a much larger tow in a different situation. It should be the vessel owner's responsibility to determine which personnel are capable of handling a particular size tow. In the event of an accident, it will certainly be the vessel owner who pays for the repairs and common sense and reason would dictate he also have the authority to select the person he wants for that particular job.

The best contribution to a safer industry the Coast Guard could make would be to recommend a reduction in the fuel tax and allow the industry to pay higher wages to attract and keep better personnel. The 1980 wages adjusted for inflation are some 30 to 50% behind 1980. This has been a direct result of the fuel tax and needless, expensive regulations.

I hope you will have the courage to recommend that the present licensing system be left as it is without any change and will recognize that the accident that caused this consideration resulted from the unintended effects of earlier government regulations. You don't cure the side effects of a medication with more of the same medication, and that is exactly what seems to be the order of the day in Washington.

Very truly yours,

AMERICAN GENERAL TRANSPORTATION, INC.



NORMOND MCALLISTER, JR.  
President

April 29, 1994

Mr. Stewart Walker  
c/o Commandant, U. S. Coast Guard  
ATTN: G-MVP  
2100 2nd Street. S. W.  
Washington, D. C. 20593-0001

Dear Mr. Walker:

Our company is a small **marine** transportation company. I have served as president of the company for the last 15 years. I have been employed in the marine industry for the past 34 years. I have served as Chief Engineer on ocean going vessels to **include** 13 months in Southeast Asia during a 4 year tour in the Army. I was discharged as a Chief Warrant Officer. I received my first class Operator License for Uninspected Towing Vessels in 1973. The scope of that license was originally oceans not more **than** 200 miles off shore, Western Rivers, and Inland Waters. As a result of the changes made several years ago the geographical authority now reads Near **Coastal** Waters.

I was raised in the Mobile area and am **very** familiar with the Mobile River and the tributaries that feed it to include Big Bayou Canot. My father and I fished these areas for several years during my childhood. Since the formation of this company I have operated and have ridden on company boats throughout this area.

I would first like to show you some pictures of the approaches to Bayou Canot and the continuation of the River channel past the Bayou Canot intersection. These first pictures show the approaches and the bridge itself. Please note that the only similarity between the approach to Bayou Canot and **14-mile railroad** bridge is that ~~both approaches are made from~~ a **left** hand bend in the river. Also, note next the steel bridge structure of the Bayou Canot Bridge is ~~ail~~ located on the right descending side of the river. The **14-mile** railroad bridge has steel structure crossing from bank to bank with fendering extending out from the span opening and would present an entirely different radar picture than the Bayou Canot Bridge. There are several other tell-tale clues to include the **12-mile** island profile and **Tensaw** River Cut.

You will note that if a piloting error is made the water is deep enough to make it highly probable for a tow to reach the Bayou Canot Bridge even with 6 loaded barges.



**American  
General  
Transportation  
Inc.**

P.O. BOX 510  
MOBILE, ALABAMA 36601  
(205) 6265661

April 29, 1994

Mr. Stewart Walker

Now look at the photographs of a properly protected bridge in Louisiana. This bridge is located at the entrance to the Gulf Intercoastal Waterway and like the Bayou Canot Bridge is located in an area frequently used for fleeing during periods of bad weather or low visibility. Please note the clusters of piling driven from bank to bank to avoid damage to the bridge from commercial barge traffic. I think all of us would agree that the rivers and waterways were here some time before the railroad and the railroad should have responsibility for protecting their property whenever there is a possible conflict or a bridge structure causes danger to navigation. Had the railroad exercised due caution and constructed protection for the Bayou Canot Bridge, the referenced accident would have been avoided.

I understand that the Coast Guard is now re-examining the bridges over navigable waters and when this study is complete, I hope aerial photographs will be furnished to show the bad location at most of the railroad bridges. As an example, I hope you will look at the location of such bridges as the Jackson railroad bridge below Jackson, Alabama and the Naeholia railroad bridge at approximately Mile 174 on the Black Warrior-Tombigbee system. Inadequate fendering is a common problem on the railroad bridges and should be required to be strong enough to withstand some of the bumps associated with the transit of those bridges. The structure around the 14-mile railroad bridge and the bridge's operating mechanism is so inferior that the slightest bump puts the bridge out of service and damages the fender system. If the barge operator and towing company were exempt from damage to the bridge the railroad would construct the bridges sturdy enough so as not to be damaged. An example that this is possible is the Eutaw Highway Bridge which has been hit by virtually every operator that has ever transited the Black Warrior River regularly and has never been damaged. If the construction criteria for strength on the railroad bridges was equal to the Eutaw Highway Bridge then we would not have anymore railroad bridge damage. It is also noteworthy to consider that when many of these bridges were originally built the largest marine traffic was a single stern wheel steamboat with a steel hull and wooden houses and not today's large tows.

I have no financial interest in Warrior & Gulf Navigation Company but I certainly have the deepest respect and warm place in my heart for the company as a result of having had some family continuously employed there since the company was formed in the 1920's. I want to state very clearly so that everyone will understand that regardless of the evidence sent forth thus far I can see no



April 29, 1994

Mr. Stewart Walker

reason whatsoever why Warrior & Gulf is responsible in anyway for the accident at the Bayou Canot railroad bridge. First, if the bridge had been protected as it should have been, the boat and barges could not have reached the bridge and additionally Warrior & Gulf should not be held liable nor our industry which has an excellent safety record. On a **ton-mile** basis no other mode of transportation equals marine transportation for safety.

I want to address the misconception that seems to exist about the selection of pilothouse personnel at Warrior & Gulf. I also want you to know that a thorough investigation could have revealed these facts before now. What I am about to tell you about the restraints placed on the selection of pilothouse personnel is common knowledge on the boats and in the companies along our river system. In 1975 a Warrior & Gulf deckhand filed a EEOC lawsuit against Warrior & Gulf which eventually resulted in a settlement imposing considerable restraints on Warrior & Gulfs personnel procedures, and let me give you a little insight into some parts of this settlement. Warrior & Gulf had one deckhand who, at the time, was serving a prison sentence for taking the life of his wife because of her alleged unfaithfulness and in the settlement, although the man was known and proven to be a violent person the company was required to rehire that individual and offer him craft training and reinstate him in the company. At this point you may be asking yourselves why would a company agree to hiring practices or employment practices that were not in the company's best interest. The cost of this type of lawsuit is so **great** that a company simply cannot afford to defend themselves over an extended period of time. The full force and resources of the federal government are **backing** the plaintiff and the defendant's defense is **funded** purely from his own resources. The resulting settlement caused an atmosphere that made it **almost** impossible to keep an incompetent person out of the pilothouse if that person was covered under EEOC.

This atmosphere has continued and in the case of Warrior & Gulf has resulted in such instances as the one we are currently discussing. In the particular case of the individual accused of hitting the bridge, the incompetence was even more apparent than usual. The man had been a deckhand for about 10 years before moving to the pilothouse. As you all know it took him eight tries to pass the written exam. After the fact, his incompetence is so apparent that it is hard to understand why he did not recognize his own limitations, but please remember incompetent people don't generally recognize their limitations and this causes the necessity to limit their marine employment activities. I can't tell you how many times in my career in the marine business that I have been aboard ships and boats

Page 4

April 29, 1994

Mr. Stewart Walker

where at least half of the deckhands or ordinary seaman could pass a polygraph test answering "yes" to the question "Are you a better seaman and smarter than the captain?" It's just one of those things about human nature that allows us to accept our own shortcomings no matter how great they may be. And let me say that this one man is not by himself. Laws which may have been enacted with noble purposes in mind have set the stage for not only this man to get into the system, but others who are just as incompetent. I can assure you that this situation will only get worse unless companies are allowed to select their pilothouse personnel on a most qualified basis. The present system allows any person covered by EEOC that obtains a license to either demand a position in the pilothouse based on their seniority or they will file an EEOC lawsuit, gather together enough of their friends to testify against the company and probably win the suit with punitive damages. I'm not discussing the EEOC legislation itself but merely pointing out the factual results and a continuing problem which resulted from the passage of this legislation. I am stating that our government and its elected officials caused the death of those forty-seven people. It was not the man that took advantage of regulations that allowed him his pilothouse position without regard to his incompetence nor was it the fault of a good and honorable company that followed those regulations to avoid costly litigation. At this point let me say that we have talked about the man's incompetence so much it's only fair to also add that of all the people I have heard comment on this particular man, I have not heard one word uttered that implied in any way that he was other than of the very highest character. I sincerely believe that what may have been intended as a noble piece of legislation resulted in a good and honest man causing the death of forty-seven innocent people. It may well be that our elected officials are willing to sacrifice a few lives to insure equal employment opportunity. I, better than most people, understand that this may be the price they are willing to pay since these in some cases are the same officials who sent over 50,000 young men to their grave in Viet Nam without allowing them the necessary latitude to win a decisive victory. As I stated I can clearly understand the motive, I just don't think it is fair to place restrictions and regulations on a whole industry. The cause of this accident has nothing to do with any of the proposed legislation. I have read both Congressman Tauzin's and Congressman Studd's proposals and do not see the need to enact either one nor any other proposal that does not directly address the cause. It is clear that many of the elected officials and some within the Coast Guard itself do not understand how this industry works. Everyone in the industry must have insurance and insurance generally relates

April 29, 1994

Mr. Stewart Walker

directly to your loss record. This alone is enough to motivate companies to operate as safely as possible. The industry's reaction has caused many of us to ask ourselves how we can improve and we will self-impose measures to improve our already good safety record. In every case I have answered my county's call to include giving 4 years of my life to my country with an estimated loss in personal income of well over \$150,000 and spent over 13 months in a war zone carrying out my country's commitment to another country. I am not happy at all with what my country is giving me in return. I have chosen to be in an industry that has been depressed for over 12 years and whose existence is continually threatened by useless regulations and continued taxation from every conceivable direction. This includes the fuel tax which started in 1980 at 10 cents per gallon and has now risen to .234 cents per gallon. And incidentally was proposed last year to increase by \$1.00 per gallon. Thank God we defeated that. Practically every little port authority in some states are trying to add an additional tax. States tax the ownership of our equipment. The Federal government this past year raised our Federal income tax by almost 30%. This wiped out almost 1/3 of our downpayment to build new barges to replace those the Coast Guard caused us to take out of service three years ago. The new barges would have created approximately 80,000 man hours of employment and a payroll of almost a million dollars with an estimated tax revenue of over \$250,000 not to mention medical benefits, retirement benefits and disability benefits for GO employees for one year. The depreciation schedules are a joke. Almost anything we build requires tax paid money to pay a portion of the notes for necessary equipment. If we buy a new 3/4 ton work truck to service our boats and purchase an energy saving diesel engine the cost of the truck is over \$20,000. Current IRS regulations limit our deduction for this vehicle to \$12,000. This regulation passed back in the 1980's considered any amount spent over \$12,000 as being for a luxury vehicle. I would like to take some of these bureaucrats and elected officials for a luxury ride in one of the luxury vehicles up Hwy 45 from Mobile to Pickwick Lock which is about a 7 hour drive and see if they still consider it a luxury vehicle. More useless regulations on our industry will not improve safety. What will help is to get the Federal government off our backs and help us reduce our tax load. We need to become reasonably profitable again and we will voluntarily spend a portion of our profits for improved training and equipment. If nothing else, recommend that we be given a tax credit for expenditures related to training and safety. This along with changes to the EEOC would offer a real chance of meaningful improvement to an already good safety record. As we all know,

**Page 6**

April 29, 1994

Mr. Stewart Walker

these changes will be the choice of our elected officials and if they don't elect to make the changes at least have the guts to accept the outcome. I hope you will accept my comments in the spirit they are offered. The good man that hit the bridge, his family, and the family of his victims have a lifetime to live with the grief of this situation and I have clearly laid down a plan that will reduce the possibilities of it ever happening again.

Very Truly yours,

**AMERICAN GENERAL TRANSPORTATION, INC.**

**NORMOND B. MCALLISTER, JR.**  
President

ed J. Castagnola, Chairman  
R. Galloway, Esq., Vice Chairman  
is Rochford, President  
B. Himber, Vice President  
s F. Young, Esq., Secretary/Solicitor  
Elisa Reeves, Esq., Asst. Secretary  
lo E. Mather, III, Treasurer



400 Market Street  
Suite 1210  
Philadelphia, PA 19106  
Telephone: (215) 925-2615  
Facsimile: (215) 925-3422

October 15, 1996

OCT 15 1996

Executive Secretary  
Marine Safety Council (G-LRA/3406) (CGD94-055)  
U.S. Coast Guard  
2100 Second Street, SW  
Washington, DC 20593-0001

Via Facsimile  
202-267-4716

Dear Sir or Madam:

The purpose of this letter is to express our opposition to the July 11, 1996 proposed rulemaking regarding Licensing and Manning for Officers of Towing vessels. For your information, the Maritime Exchange for the Delaware River and Bay is a non-profit trade association serving businesses and organizations throughout the tri-state port community.

While the Maritime Exchange is certainly supportive of measures designed to improve navigational safety, we cannot do so when such measures impose severe economic disadvantage to businesses which service the maritime industry with little or no corresponding increase in safety. There are two primary concerns with the proposed ruling:

- 1.) Under current regulation, an individual who today holds a Master, Steam or Motor Vessels license can operate towing vessels under Section 15.910. The proposal would require a mariner operating any towing vessel of less than 3000 horsepower obtain a Master or Towing Vessel license.
- 2.) While individuals who hold Operator Uninspected Tow Vessel (OUTV) licenses will be grandfathered under the proposal, there is no similar clause for the mariner currently operating legally under Section 15.910.

The additional training and licensing requirements under the proposal will severely restrict an employer's ability to attract and retain qualified vessel operators. The salaries commanded by these mariners would force employers who operate smaller vessels -- of 250 horsepower or less posing no significant threat to navigational safety-- to pass those increased costs onto their customers. Such a monumental increase in transportation costs to the ocean carriers, and ultimately the U.S. importers and exporters, in today's increasingly competitive environment will undoubtedly effect severe economic disadvantage.

603

Executive Secretary, U.S. Coast Guard

October 15, 1996

Page 2

In recognition of the ruling's **intent** -- to minimize risk to the extent possible -- we offer the following alternative to the proposal which we are confident will **fulfill** both the Coast Guard's and industry's requirements.

Our suggestion is to create a third licensing category for operators of **very** small towboats.

1. The small towboat would be defined as a vessel not exceeding 40 feet in length and limited to less than 300 horsepower (10% of the current breakpoint of 3000 horsepower).
2. Add a provision **authorizing** towing service be added to a Master of Steam or Motor Vessels at renewal or upon request **in** order to grandfather such licenses as is being proposed for OUTV licenses. The provision to operate towing and towed vessels being restricted so that the combined operated displaced tonnage does not exceed 100 gross tons -- no more hidden costs.
3. The towing vessel be an inspected vessel.
4. The manning levels of **the** towing vessel remain the same **as required** by the **current** Certificate of Inspection (C.O.I.).
5. The written exam for Master, Steam or Motor Vessels include those aspects of towing that the license holder is likely to encounter when operating very small boats.
6. Operator of **Uninspected** Passenger Vessels (**OUPV**) are not confused with Master of Steam or Motor Vessels, and as such, no authority for towing is granted to those holding an **OUPV** license.
7. Restrict such towing to local harbor areas and incorporate the authorization and restriction as to the route authorized on the C.O.I. of the towing vessel.

Thank you for the opportunity to express our views on behalf of the 250 Maritime Exchange members who will be adversely affected should the rule become final as written., Please do not hesitate to **call** on us if we can provide additional information.

Sincerely,



Dennis Rochford  
President

# SECRETARY OF MARINE SAFETY

DEAR SIRS,

We ALL know, we need rules to make our waterways safer. We also know the accident that brought this on was due to a operator, operating his vessel in Fog. ITS my opinion that regulations or some kind of fines should be looked at. For this kind of misconduct, both the operator and his company. ITS also my opinion that a operator shouldn't be operating on Rivers if he or she is not posted on unless he has a qualified wheelman in the pilot house with him. I like the part of the horsepower part, a lot of companies will try to get that raised to a higher horsepower so they can bring a wheelman off a 800 and put him on a 3000.

The part I couldn't agree on was Responsible person.. IF 2 wheelmen or holding the same licenses as a master they should be responsible for there watches, now if a master and a pilot or riding together the master should hold the responsibility.

ITS my opinion that a pilot should ride at least 3 yrs before he is given a master license. That means standing a watch by his self. Then checked out by a qualified wheelman or a qualified determiner.

604

Thanks For listening  
W. J. Jones

# **CRAIN BROS., INC.**

***River Contracting, Dredging & Salvage***

MULBERRY STREET EXTENSION  
(BRIDGEWATER)  
P. O. BOX 538  
BEAVER, PENNSYLVANIA 15009

OCT 15 1996

October 15, 1996

Executive Secretary  
Marine Safety Council (G-LRA/3406) (CGD94-055)  
U. S. Coast Guard Headquarters  
2100 Second Street SW  
Washington, D.C. 20593-0001

Reference: Comments on 46CFR Part 10 & 15

We respectfully request that the comment period for the referenced rule be reopened for a period of 180 days. In the last few months we have seen implementation of radar, location of radar testing and safety rules. We also understand that current authorizations will affect the proposed rule. If you review the river conditions on the Western Rivers, particularly the upper Ohio, Monongahela and Allegheny rivers, there have been adverse conditions starting in January and continuing into early fall, Record floods of late January were followed by high flow and ice. Pittsburgh crested at 28 feet (6' below the January 19, 1996 flood) on **July** 19. The Monongahela River, normally green from May to November, was brown all summer due to recurring high water.

Unfortunately as a river contractor our attentions were diverted to securing our equipment and preventing damage to partially constructed projects on a frequently recurring basis rather than being able to evaluate and communicate with our pilots the numerous rules proposed by the Coast Guard.

The proposed use of horsepower as a breakpoint for licensing is arbitrary and unnecessary on the Western Rivers. More important is the judgement of the dispatcher or other individuals who are familiar with the current river conditions, boat operators, capability of the towboat, route, size and makeup of the tow. The interaction of all of these factors cannot be controlled by rules.

In your rules under Section 4 "Routes", you have accurately shown that on the Western Rivers "The method of towing, aids to navigation, the operating methods, and the operating environment are unique"; but there have been no scheduled public meetings to obtain the input of the mariners of this area. A public meeting is hereby requested.

605



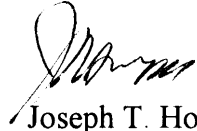
Executive Secretary  
Marine Safety Council  
October 15, 1996  
Page 2

Our company, primarily a river contractor, is actively engaged in partnering with the U. S. army Corps of Engineers. It is unfortunate that the formulation of rules could not be completed on a similar basis between the coast Guard and the particular industries and mariners that will be affected.

One of our pilots gave me this quote "No voyage is ever dangerous to the one who waves **goodby** from the shore". This saying is posted in our office. Those of us "who wave goodbye from the shore" such as myself, and you, the rule makers, must remember that unless our actions or rules truly make the voyage safer we have no business limiting the ability of our pilots through unnecessary rules and regulations that only satisfy "those who wave goodbye from the shore". Through reopening the comment period lets give further opportunity to hear from those who "sail the boats".

Thank you for your attention to this request.

Sincerely,



Joseph T. Hoepp  
President

JTH/ec

cc: Rear Admiral J.C. Card  
U. S. Coast Guard Chief  
Marine Safety and Environmental Protection  
USCG Headquarters  
2 100 Second Street S. W.  
Washington, D.C. 20593-0001

OCT 16 1996

(Name) Jesse J. Gullett Jr  
(Mailing Address) 247 River Valley Dr  
(City/State/Zip) Destin FL 32541  
(Date) 10-15-96

TO: Executive Secretary Marine Safety Council (G-1ra/3406)  
(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

Subject: My comments on Notice of Proposed Rulemaking on Li-  
censing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these **regulations are cited** in the NPRM on pages 31341 through 31347, I request that a **public** meeting be held at the nearest Coast Guard Marine Safety Office **after** adequate **public** notice to all towing interests **to fully explain** and discuss all aspects of **this rulemaking**. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the **following** personal comments to the public docket about this rulemaking:

- 1) The average wage of a Licensed Mariner is between \$135.00 and \$165.00 per 12 hour shift not the \$350.00 figure that the Coast Guard states.
- 2) I feel that after 5 years of service as a licensed boat operator should speak for itself, and I shouldn't need a designated examiner to review my skills. I suggest that this requirement should be subject to steersmen and people in the first issue of their license.
- 3) The \$5000.00 cost of a simulator for every 5 year renewal of my license would cause hardship for me and my family, as my yearly salary based on \$160.00 per day working 240 days per year is \$38,400.00.
- 4) I feel that after having recieved my radar license at the time of the issue of my operators license and the use of the radar everyday for the 5 years before renewal is required should be suffecient to recieve a renew of my radar license with minimal questioning and not have to repeat a course that I have already taken.
- 5) I feel that the industry needs an extension of at least 90 days past the October 17, 1996 deadline to make sure that all fellow mariners are aware of these new rules and have a say as to how the changes are made, since we are the ones most directly affected.
- 6) I feel that every operator should be responsible for his own watch and that the Master & Mate concept that the Coast Guard suggest puts undue responsibility on one man. To make one man responsible for the actions of all licensed men on the boat would cause this man to work far more than the 12 hours he is being paid for and would cause hardship for him and his family if he were to be blamed for the actions of another licensed mariner while he might be sleeping, which all of us have to do at some time.
- 7) For my final comment, I feel that all mariners, some 18,000 strong, should not be held responsible for the actions of two licensed mariners that caused the accidents at Mobile (Amtrack derialment) and New Orleans (Clairborne Bridge). These two pilots should be held responsible for their negligence and not the whole industry.

Signature

Jesse J. Gullett Jr

606

10-14-96

OCT 16 1996

TO: Executive Secretary, Marine Safety Council  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

Gentlemen:

I'm Greg L. Akines  
and I have recently recieved a OUTV license several months ago.  
While reading over the proposed rulemaking, I totally disagree with  
the master **responsiability**. I think that every license holder should  
be accountable for his or her own actions. Think about our family,  
it will jeopardize our job as well as home. Every man with a license  
should have the proper training before they stand a independent six  
hour watch. I really don't believe the master should stay over you  
24 hours a day.

What about the horsepower, gross tonnage, net tonnage, tow size,  
route etc. As of now I'm working on a 1800 hp vessel pushing 4 to 8  
barges. Maybe sometime over the years i would like to better my skills  
and knowledge on a 3,000 hp, 5600 hp, or 10,500 hp towing vessel with  
a different route and more or less barges. What i'm saying is that  
i'am a flexiable person and disagrees with the limited license for  
the horsepower and tonnage we work on.

Where do people like Greg L. Akines stand who has recently recieved a  
OUTV license. Will we be "grandfather" into a master's license or  
some higher degree of license. I have worked hard to get were i'm  
standing and i don't want to lose what i'm learning day after day  
as a **wheelman** with the proposed changes the COAST GUARD is making.  
Please make the best decision on this matter, our future depends on  
your final out-come. Think about it very carefully, and don't **re-**  
**evalute** the entire structure of licensing towboat operators, do to  
the AMTRAK accident. Remember know one's "perfect, but everybody  
can be safe and caution.

sincerely yours,

*Greg L. Akines*

607

OCT 16 1996

# WATERWAYS ASSOCIATION OF PITTSBURGH



P.O. Box 48 • Imperial, PA 15126  
(412) 695-0269

October 16, 1996

LDCR Don Darcy  
Executive Secretary  
Marine Safety Council  
(G-LA/3406) [CGD94-055]  
U. S. Coast Guard Headquarters  
2100 Second Street S.W.  
Washington, DC 20593-0001

Dear LCDR Darcy:

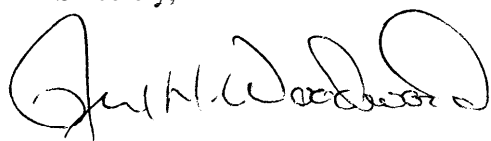
This letter is to request a reopening of the comment period of proposed rule **CDG94-055**. The request is for a reopening period of 180 days. The reasons for this request are as follows:

1. Not all mariners whom this proposed rulemaking effects have been made aware of the changes that are proposed. The Upper Ohio River and its tributaries have experienced several periods of high water in the last 120 days and beyond. This has put all of the local towers behind causing most of us to work rather than to spend hours on this new proposed rule.
2. The passing of the new legislation which has proposed the privatization of all licensing which greatly **affects** this new proposed rule.
3. The lack or non-existence of a public hearing on the Western Rivers. It should be noted that the only public hearing held near the Western Rivers was held at New Orleans which has to be considered a deep water port. The Inland River operator has not been allowed access to a public hearing to go on record. We would strongly urge and support a public hearing in an Inland River port, preferably Pittsburgh or Cincinnati as well as another one held in St. Louis to draw from the Upper Mississippi, and Lower Ohio and Mississippi Rivers.
4. While partnering supposedly took place with MERPAC, TSAC, and STCW there was no partnering among the group that is most affected by the proposed rule **CGD94-055**, that is, the Operators of Uninspected Towing Vessels.
5. The last and most important reason is that this proposed new rule was created for the betterment and safer operation of all vessels. As written is simply not accomplishing its purpose.

I thank you for your time and I look forward to your response.

608

Sincerely,

A handwritten signature in black ink, appearing to read "Rex H. Woodward". The signature is fluid and cursive, with a large initial "R" and "W".

**Rex H. Woodward**  
President

**RHW/vjv**

cc: Admiral James C. Card

OCT 16 1996

9-26-96

Subject: FEDERAL REGISTER  
Part V. Vol. 61 no. 119  
LICENSING AND MANNING FOR  
OFFICERS OF TOWING VESSELS

Gentleman,

I FEEL that this is a direct attack upon my ability to perform my job that I'm licensed for. The 18 years that I have held my license never did I feel that you (Department of Transportation) wanted my license returned to you. If you pass these regulations in there present form I'll send it back.

I HAVE READ THE FEDERAL REGISTER and these are my opinions.

1.) Page 31332 Column 3. Paragraph 4.

IN know way Do the recommended changes prevent the accident that took place.

2.) Page 31333 Column 1. Paragraph 3.

It is obvious to me that you listened to MERPAC and TSAC and know one else.

3.) Page 31334 Column 1. Paragraph 3.

IF I HAVE A accident as pilot the master should not be held responsible.

609

4.) Page 31334 Column 3. Paragraph 5

I FEEL that the 3,000 hp limit should be moved to 6,000 hp.

5.) Page 31335 Column 1. Paragraph 1.

I HAVE enough sense to know my limitations. I'm not a 40 DARGE Pilot. But I can become one if I so choose.

6.) Page 31335 Column 2. Paragraph 2.

LEAVE the current unified rules in place.

7.) Page 31336 Column 2. Paragraph 3.

No classroom simulator or instruction is going to preplace on the job training.

8.) Page 31336 Column 3. Paragraph 5.

I HAVE BEEN running a towboat for 18 years and now someone is going to TELL me how to run a boat. I Don't Think So!

9.) Page 31339

Who is going to pay for this? NOT ME!

I hope that you carefully reconsider this intire proposal. I do not FEEL that you had me in your best interest.

Thank you   
Lic. no. 87163

(Name) CHARLES W. BROWN  
(Mailing Address) 117 NORTH DR.  
(City/State) VIKESBURG, MISS, 39180  
(Date) 10/16/96

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

**SUBJECT:** Mv comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

1. EXTEND COMMENTS PERIOD NEEDS ADDITIONAL TIME  
FOR - 90 TO 120 DAYS, THE TIME IS NOT ENOUGH  
TIME FOR SUCH IMPORTANT MATTER.
2. 10.209 RENEWAL OF WORKING LICENCE SHOULD  
NOT REQUIRE A CHECK RIDE. ONLY PROOF OF  
TIME SHOULD BE SUFFICIENT.
3. DESIGNATED EXAMINER + INSTRUCTOR SHOULD BE  
ANY LICENSED MASTER OR FIRST CLASS HOLDER,  
THAT HAS THE TIME ON HIS OR HER LICENSE.

Signature: Charles W. Brown (Attach additional pages)  
MASTER AND FIRST CLASS PILOT

610



(Name) Elsworth W. Kent  
(Mailing Address) 1119-A Windy Lake Drive  
(City/State) Vicksburg, MS 39180  
(Date) 10-16-96

Oct 16 96

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

**SUBJECT:** My comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

1. Extend the comments period an additional 90 to 120 days.  
The time limit is not enough for such important changes.
2. 10.209 Renewal of a "working" license should not require  
a check-ride. Only sea-service proof should be required.  
Only new-entrant applicants should do a check-ride.
3. "Designated Examiner" and "Qualified Instructor"  
should merely be any person licensed by the  
Coast Guard as a Master (Towing) or First Class  
Pilot or Master Steam or Motor Vessels. It is  
an insult to these licensees not to be accepted  
a "examiner" or "instructor" at their option.

We need more comments time!

Signature: Elsworth W. Kent Lic-Master + (Attach additional pages)  
1st Pilot OutV-Inland Ser# 72735f

611

(Name) Robert R. Nally  
(Mailing Address) P.O. Box 820107  
(City/State) Vicksburg, MS 39182  
(Date) 10/16/96

007 16 100

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

**SUBJECT:** Mv comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Tow-  
ine Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

1. Extend the comment period for an additional 90 to 120 days.  
Oct. 17<sup>th</sup> was not enough time for such important changes.
2. 10.209. Renewal of a "working" licence should not  
require a check-ride. Only sea-service proof  
should be required and sufficient.  
Only new-entrant applicants should do a checkride.
3. "Designated Examiner" and "Qualified Instructor"  
should merely be any person licensed by  
the Coast Guard as a Master (Towing) or  
First Class Pilot or Master Steam or Motor  
Vessels. It is an insult to these licensees  
not to be accepted as "examiners" or  
"instructors."  
We need more comment time!

Signature: Robert R. Nally Licensed Master, ser # 774566  
1st Class Pilot & Quar. Inland. (Attach additional pages)

6/2

001 16 000

(Name) Joe F. VANCEIL Jr  
(Mailing Address) 881 COLIN Rd  
(City/State) T. Line KY 42083-9009  
(Date) 10/13/96

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

SUBJECT: My comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

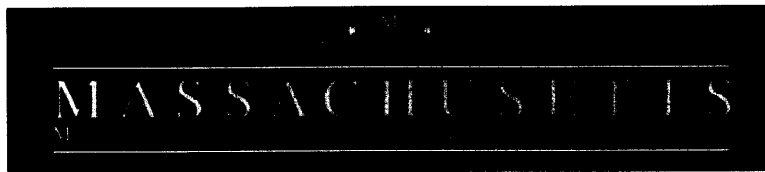
I have been to the Public meeting in New Orleans Sept. 24, and not one thing was explained. I myself have Seven - Ten questions regarding (Gray) Areas that are obvious in the Proposals.

Personally I think the entire Proposed Rules should be put on hold pending a closer study by the Dept. of Coast Guard. To come out in the (field) in order to get a better understanding of what they are attempting to govern.

The Focus should be put on Safety & Education NOT Licences.

Signature: Joe F. Vanceil Jr. (Attach additional pages)

613



16 Jan  
001 17 1996

October 15, 1996

Executive Secretary  
Marine Safety Council  
U.S. Coast Guard Headquarters  
2100 Second Street SW.  
Washington D.C. 20593-0001

RE: 46 CFR Parts 10 and 15 (CGD 94-055)

The following comments are submitted in response to the Notice of Proposed Rule-making dated June 19, 1996 regarding Licensing and Manning for Officers of Towing Vessels.

1. Pg. 31333, License for master, mate (pilot), or apprentice mate (steersman) of towing vessels.

I strongly agree with the concept of the apprentice mate and the new licensing scheme and the two hierarchies of the license structure.

2. Pg. 31334, Requirements for renewal of licenses.

I am in disagreement with the requirement of a demonstration of proficiency for renewal of license. I feel this would put undue hardship, cost, and loss of vacation time on the mariner.

The proposed regulation as a whole dramatically changes the way seaman are licensed for the towing industry in a very positive manner. I feel a much more competent and experienced mariner will be produced from the more stringent standards, license levels and mandatory apprentice time. To require proficiency testing for renewal becomes a penalty for the mariner who has already proven him/herself competent and proficient. If not competent and proficient, he/she should not have been granted the license in the first place.

Renewal is for those who are working in the industry. By working in the industry, the mariner is proving competence and proficiency. I feel the renewal structure should be the same as for the unlimited tonnage licenses as stated in CFR part 10.209.

614

3. pg. 31334, Horsepower as basis of authority.

I feel it is appropriate to limit the license level dependent upon horsepower and agree with the 3,000 H.P. mark as the dividing line for limited and unlimited tonnage licenses.

4. pg. 31335, Routes.

I am confused by the wording for the different route endorsements. Let's take the master or mate of towing vessels endorsed for Oceans as an example. This endorsement "authorizes service on Near-coastal, Great Lakes and inland routes, and Rivers upon 30 days of observation and training on each subordinate route."

Does this mean:

a. "After" 30 days of observation and training on these subordinate routes you then are "eligible" for an unlimited master or mate license.

or

b. If you are licensed for unlimited "Oceans" towing, you are restricted to that route unless you then spend 30 days observing and training on a particular subordinate route. Then after 30 days you are eligible for the subordinate endorsement and allowed to travel those waters.

and

c. If you have completed 30 days on Long Island Sound are you limited to this "pilotage" area or are you now eligible for a blanket "Inland" endorsement.

Option (b) makes no sense since to operate on the oceans, you must at one time or another also operate Near-coastal and Inland when traveling to or from port.

Option (c) if limited to the specific area where you have completed 30 days of observation and training would make the license very limiting (a contradiction of the unlimited license) and make it highly impractical for a mate or master to be endorsed for a large geographical area.

I recommend the following: to be eligible for a mate unlimited license a mariner must work as an apprentice on unlimited horsepower vessels and accrue 30 of experience on each of the subordinate routes. Once you have done so you are eligible to operate unlimited horsepower vessels on any Near-coastal or Inland

waters including the Great Lakes and Rivers in the United States (western rivers excepted).

5&6. pg. 31335. Demonstration of proficiency, Training

I am in agreement with this rule as long as the USCG is flexible to the variants imposed upon the maritime academies. Unlike companies who are training their personnel for a particular horsepower vessel and possibly a particular route, the academies mission is to train cadets for all size (horsepower) vessels and all (Oceans) routes. This could not be accomplished under the rules as written here. The financial impact of acquiring a vessel or vessels of unlimited horsepower and obtaining the facilities to put them to use would be very costly. Simulation data bases and state of the art hardware needed would also be very costly as refereed to in paragraph 3 page 31336.

The cadets at the academies receive the finest training in many of the subject areas required by these rules and consideration must be given for academic training. The time required on all the routes and proficiency testing as outlined in these rules must be amended for the maritime academies to create a hybrid competency and proficiency testing program using a combination of existing vessels of varying horsepower and existing simulation programs.

7. pg. 31336. Examination.

I am in agreement with this rule. I feel refresher training in the Rules of the Road is always beneficial, be it a formal course, a correspondence course or an examination and would not put undue hardship upon the mariner.

8. pg. 31336. Designated examiner. The qualifications of the designated examiner are extremely important. How these examiners themselves are trained and certified is the central component to the competency and proficiency testing licensing program. Licenses and time aboard tugs is not enough to qualify someone for the position of designated examiner. A level of experience and training in teaching and the assessment of learning are essential. Impartiality of the examiner is essential. Companies that have a "company hired" designated examiner must be assessed on a frequent basis. For the competency and proficiency program to be truly successful, there must be a monitoring system in place to assess and accredit or discredit individual companies and academic institutions.

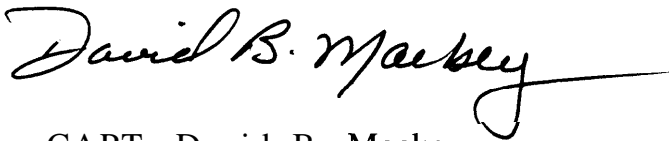
9. pg. 31337, Approved training other than approved courses..

I feel all courses "Must" be approved by the USCG. This is the only way to ensure compliance with national standards. The USCG must also set up a monitoring system to periodically assess the approved program and remove accreditation for failure to comply with the preset standards.

10. pg. 3 1337. Responsibility of towing vessel owners and operators.

It is the owners, operators and the USCG to employ qualified experienced personnel as mates and masters of their vessels. It is also the responsibility of the maritime academies to help provide a large portion of this qualified pool of mates and engineers. With this in mind, the USCG must create rules that will conform to the concepts set forth by these proposed rules and to the financial and operational constraints imposed upon the maritime academies and smaller private companies. We must keep the towing industry very accessible to the highly skilled future mariners provided by the academies.

Sincerely,

A handwritten signature in black ink that reads "David B. Mackey". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

CAPT. David B. Mackey  
Associate Professor  
Marine Transportation



835 UNION STREET  
NEW ORLEANS, LOUISIANA 70112-1469  
TELEPHONE: (504) 581-2424  
FAX: (504) 584-1508

A

Capt. Eugene L. Waller  
MN SEMINOLE WARRIOR  
Canal Barge Company, Inc.  
New Orleans, LA 70112

October 8, 1996

Executive Secretary  
Marine Safety Council(G-LRA/3408)(CGD94-055)  
US Coast Guard Headquarters  
2100 Second Street S. W.  
Washington, D.C. 20593-0001

**SUBJECT: Licensing and Manning for Officers of Towing Vessels**

Dear LCDR Darcy:

I am writing in regards to the proposed rule making "Licensing and Manning for Officers of Towing Vessels". I am currently a Captain of M/V SEMINOLE WARRIOR a Towing Vessel that operates on the Lower Mississippi River. I hold a Master Inland Steam or Motor Vessels 1600 Tons and OUTV Great Lakes and Inland Waters License. (License Number 774507) There are some parts of the proposed rules that I strongly object to.

First I object to having to demonstrate my skills either in a simulator or to a designated examiner. I am actively employed and I am preforming my skills every day in order to do my job. I do not see the need to have to prove my capabilities every time my license needs renewal. If I was not doing my job, I would not be employed. To me, this would be an unnecessary time and expense burden.

I also object to the route limitation endorsements. I feel that I am qualified to run several waterways and do not want to be restricted to certain routes. There are extended periods before I may navigate one particular waterway or another, that does not mean I am not qualified to run either. These are the reasons that we have charts and maps, to aid mariners wherever they may navigate. The nature of our business demands that we navigate a wide geographical range. There are extended periods of time before we may have to navigate certain waterways. We have charts, radars, compasses, and other aids that assist us whenever we navigate in areas that may not be as familiar to us as waterways we navigate on a regular basis.

615



I also object to having to take a refresher course or a rules of the road exam at license renewal. This is unnecessary time and expense . To me it would be the same as if you would have to take a test on renewing a drivers license. I feel that the current procedures in renewing license are more than adequate. Once you have learned to swim you do not forget!

In addition to my comments I request that an extension of time for comments to be submitted. If a public meeting were held in Memphis during my time off, I would like to attend to learn more about the proposed rule.

Enclosed is a self addressed envelope. I would appreciate acknowledgment that my comments have been received and will be included in the official rule-making docket.

These are my points of views on these subjects and they are shared by many other mariners. Unfortunately many of my fellow mariners may not take the time to express our concerns or opinions. Thank you for your time in reviewing my comments.

With regards,

*Capt. Eugene L. Waller*

Capt. Eugene L. Waller  
M/V SEMINOLE WARRIOR  
Canal Barge Company, Inc.



835 UNION STREET  
NEW ORLEANS, LOUISIANA 70112-1 469  
TELEPHONE: (504) 581-2424  
FAX: (504) 584-1508

October 16, 1996

Executive Secretary  
Marine Safety Council (G-LRA/3408) (CGD 94-055)  
U.S. Coast Guard Headquarters  
2100 Second Street S.W.  
Washington, DC 20593-0001

**Subject: Licensing and Manning for Officers of Towing Vessels  
(46CFR Parts 10 and 15, CGD94-055)**

Dear LCDR Darcy:

Thank you for the opportunity to present additional comments on the proposed rule to revise the requirements for licensing mariners that operate uninspected towing vessels. Canal Barge supports the Coast Guard's efforts to upgrade licensing standards and prevent vessel accidents. We are committed to working with the Coast Guard to improve the NPRM.

Canal Barge Company, Inc. employs over 475 employees ranging from Unlimited Masters and Chief Engineers, to Operators of Uninspected Towing Vessels, to Tankerman and Ordinary Seamen, who operate our fleet of 24 boats and over 600 barges, 98 of which are in the liquid trade, in the inland and offshore marine transportation service industry. The NPRM as published represents a significant change for the towing industry and will have a tremendous effect on the licensed deck officers who operate towing vessels

The following comments are offered to help address the major issues and provide suggestions on how the NPRM could be refined and improved:

1. Given the long standing history of terms used to identify deck officers of towing vessels, the new terms being developed to identify these important positions should be stated as follows:
  - Master of Towing Vessels
  - Pilot of Towing Vessels (Mate)
  - Steersman of towing Vessels (Trainee Mate)

616

2. The NPRM does not address how current experienced OUTV or Master 1600 Ton license holders will be grandfathered. The Coast Guard should work with representatives of towing vessel operators and TSAC to develop a draft of the grandfather provisions prior to publication of the final rule.
3. The practical demonstration of proficiency or competence that is required in the NPRM is unreasonable. If the licensed mariner has been sufficiently performing the job and is in good standing with the Coast Guard and his employer, a letter from his employer stating his good standing should be sufficient for license renewal.
4. The tone of the NPRM exceeds the 1995 amendments to the STCW convention, ie license renewals and service/training record book. Mariners should be allowed to use current service in lieu of actual demonstration of proficiency.
5. The NPRM does not clearly define what the proposed horsepower break point is meant to achieve. Given the horsepower range used to power our fleet of 26 boats, an arbitrary horsepower break point would not improve navigation safety. It is the company's responsibility to assign mariners to towboats they are qualified/posted to operate regardless of the license they hold.
6. The traditional responsibility of the individual operator of the towboat should remain unchanged. The operator on watch should continue to be responsible for his actions while on watch. If the Master is off watch, he should not be responsible for the navigation or regulatory actions of the Pilot on watch.
7. The Gulf-Intercoastal Waterway should be included within the scope of the rivers route endorsement.
8. Route limitations are unreasonable. Once a mariner is posted on a waterway he should be permitted to navigate the waterway. The nature of our business demands that we navigate a wide geographic range.

As stated in my 9/26/96 letter, we respectfully request an extension of 120 days to the comment period. This additional time is needed to solicit comments and input from our licensed mariners. We also request that additional public meetings be held in Memphis, St. Louis, and Louisville to allow for input from the towing industry.

These comments are respectfully submitted along with our sincere commitment to work with the U.S. Coast Guard to refine and improve the NPRM.

Enclosed is a self-addressed, stamped envelope. We would appreciate formal acknowledgment that our comments have been received and will be included in the official rule-making docket.

With kindest regards,

Sincerely,  
CANAL BARGE COMPANY, INC.

A handwritten signature in black ink, appearing to read "Will Smith", written in a cursive style.

William T. Smith  
V.P. Human Resources

WTS/ks

F:\USER\SHDATA\USCG\LICMANN2.WPD

faxed to: (202) 267-4570  
10/16/96



COASTAL  
TOWING, INC.,

OCT 16 1996

October 15, 1996

Executive Secretary, Marine Safety Council (6-LRA/3406) (CGD94-055)  
United States Coast Guard Headquarters  
2 100 Second Street, SW  
Washington, DC 20593-001

RE: *Notice of Proposed Rulemaking on Licensing and Manning  
for Officers of Towing Vessels*

To Whom It May Concern:

The notice of proposed rulemaking on licensing and manning for Officers of Towing Vessels lends itself to several comments from our organization. The outcome of this rulemaking affects Coastal Towing, Inc. directly with over ninety three (93) Wheelhouse personnel involved.

The following three comments are made on our behalf to the above mentioned subject:

- 1.) The responsibility for the vessel and/or tow should be directly on the Master, although any incidents should be judged on a case by case basis. Each licensed mariner works a six (6) hour watch and should be held accountable for their own actions during this period, especially with regard to gross negligence. Forcing the responsibility on the Master of the vessel and tow would be unjust if an incident occurred during the Master's off watch time and was the direct result of another mariner.
- 2.) The horsepower break, if any, should be increased to at least 5000 h.p. The affect on Coastal Towing, Inc. for any less break would be to divide our operations and decrease our flexibility. We currently employ Wheelhouse Operators capable of moving around through our various vessels, ranging from 1200 h.p. to 4300 h.p. Dividing the group at 3000 h.p. would affect Coastal Towing, Inc. negatively from a financial and operating standpoint by decreasing our potential to move equipment due to limiting our Wheelhouse employees between categories.
- 3.) The third area of concern is in the proposal for having qualified individuals monitor and evaluate our Wheelhouse staff for the purposes of new licensing or renewals. The major concern here is who evaluates the qualified individuals? Where do they come from? We suggest some of our own employees as the qualified individuals, thereby evaluating our own employees to certain pre-set standards.

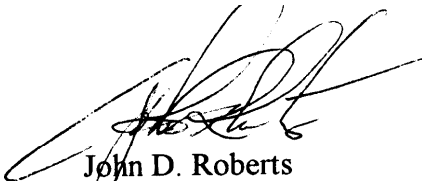
617

Executive Secretary Marine Safety Council  
Proposed Rulemaking  
Page 2

We do appreciate the need for qualified, responsible Wheelhouse Operators within our industry. Improvement in this area will make for an efficient, safe, and responsible industry that challenges other transportation means.

Thank you very much for the opportunity to comment to the proposed rulemaking.

Sincerely,



**John D. Roberts**  
Vice President Operations

JDR.yd

(Name) LOUIS E HALL  
(Mailing Address) 41 HIGH STREET  
(City/State) DUNBOR PA 15431  
(Date) 10-13-96

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

SUBJECT: My comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

TO WHO IT MY CONCERN FIRST I HAVE  
BEEN OPERATING A TOWING VESSEL FOR 27 YEARS.  
AND HAVE NEVER HAD AN ACCIDENT INVOLVING PERSONAL  
INJURY. I FEEL 15,000 OPERATORS SHOULD NOT SUFFER  
BECAUSE OF ONE ACCIDENT. I FOR ONE FEEL NO ONE  
SHOULD BE FORCED TO RUN IN FOG IF NOT QUALIFIED  
BUT SHOULD NOT RUN AT ALL RADARS ARE AN  
AID TO NAVIGATION NOT TO BE SOLELY RELIED UPON  
AS FOR THE MASTER OF VESSEL BEING HELD  
RESPONSIBLE FOR ACTIONS OF AFTER WATCH THIS WILL  
ONLY PUT MORE STRESS IN A STRESSFUL SITUATION ALREADY.  
YOU ARE ONLY ALLOWED TO WORK 12 HRS A DAY  
AND CAPTAIN SHOULD NOT BE EXPECTED STAY UP AND  
WATCH PILOT WHO IS ALSO LICENSED THE OTHER 12 HRS.  
NO RESTRICTIONS SHOULD BE IN PURSUIT IF MAN IS ABLE TO DO JOB.

Signature: Louis Hall

(Attach additional pages)

618

(Name) Jeffery A. Geier  
(Mailing Address) 1207 Massachusetts Ave.  
(City/State) Aliquippa, Pa. 15001  
(Date) October 10, 1996

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

SUBJECT: My comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 13, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

I am a licensed operator of a towing vessel of the western rivers. I have been operating since 1984 with a good record.  
I am currently working for Campbell's Transportation Co. on the M.V. D.L. Johnson.

I would like to make some comments on the new rules I have been reading about. I sincerely hope my letter and all the others you receive are taken seriously.

I do commend you on wanting to improve the safety and industry, but will these rules really help! The Amtrak accident in Sept. 1993, is just that, an accident. Although it was a major ~~costs~~ catastrophe, things will happen be it boat, plane, train, car.

These rules are going to be costly among other things to not only me, but the industry!

Signature: Jeffery A. Geier (Attach additional pages)

Turn over please →

619



How many accidents are a direct cause from  
pleasure boats, I don't see them having to get  
a license. Don't single us out, go for whole population!  
Restricting our license (horsepower) and the master (captain)  
being responsible 24 hours is just not right!

Thank You for listening And letting me get  
this off my chest and maybe consider chalking  
up a win for the working man!

Thank You,

Jeffrey A. Stein

001 16 1990

(Name) Joseph L Hartley Sr  
(Mailing Address) 109 WARREN ROAD  
(City/State) HARMONY, PA. 16037  
(Date) 9-9-96

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

SUBJECT: My comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen.

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

I would like to see a public meeting  
on these changes held in Pitts, PA.

I would like to see more adequate rule-  
making on pleasure boats & jet skis AND TRAIL  
TO TAKE SOME OF THE BURDEN AND REGULATIONS  
OFF THE TOWING OPERATORS AND WHY ONLY  
THE CAPTAIN IS TO HAVE ALL THE RESPONSIBILITIES  
AND CANNOT MAKE CHANGES IN THE OPERATIONAL  
MANNING OF THE BOAT AND CREW

Signature: Joseph L. Hartley Sr

(Attach additional pages)

620

OCT 16 1996

To Whom it may concern

I noticed the date on this proposal is July 20<sup>th</sup> 1996. I received my pamphlet Sept 4-1996 and this is to be passed in 1999. Do you really think that it is fair especially when all Pilots are not notified properly; you suggested we relay it by word of mouth.

This is a issue you must have a public hearing and wait until a big majority of Pilots are informed of this. Make a better effort to pass this information on

And as far as 3,000 horsepower above and below are to be separate license's - companies you work for already do this on their own. Companies have their own steersman programs. They just don't let anyone with a license just start steering, after all there is alot of expensive equipment and cargo involved.

Yes, that was a tragic in Alabama. But all in all, I believe the Marine industry has a low percentage of fatalities. A license does not make a pilot. A pilot makes a pilot. A drivers license does not prevent accidents on the highways

The public on the waterways, they do not require licenses at all. This is what you should be looking at and not at licensed pilots which already navigate by the rules of the road and make the Waterways safe by looking out for them.

Yes hearings are needed and should (621)

have as many pilots present as possible.  
Because most of the pilots will be working  
their boats. This is a proposal that should  
not go through. The Radar classes were  
sufficient.

Thank you, Pilot, Ray Arche  
Campbell Trans. Co.  
PO Box 124  
Charleston, PA 15020

(Name) George Zappone  
(Mailing Address) Box 244 2nd STREET  
(City/State) CRUCIBLE PA 15325  
(Date) 9-16-96

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

SUBJECT: My comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only chances to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

SUGGEST THAT A MEETING BE HELD IN THE PITTSBURGH DISTRICT,  
MOTOR BOATERS SHOULD HAVE TO TAKE SOME KIND OF TEST  
TO LEARN MORE ABOUT THE WATERWAYS, COMPANIES DO HAVE  
THEIR OWN STEERSMAN POLICIES WHICH I THINK IS SUFFICIENT

Signature: George A Zappone (Attach additional pages)

622

(Name) Mark T. Storm  
(Mailing Address) 41 Suncrest Ave  
(City/State) Wheeling W. Va. 26003  
(Date) 9-6-96

OCT 16 1996

TO: **Executive** Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

SUBJECT: My comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

To whom it may concern, the  
proposed changes in the licensing  
rules is in some ways a definite  
step forward but I do have some  
reservations on the horsepower limits  
and renewal process. Under the  
new rules a licensed person would  
had to take another rules of the  
road test. It is my belief that  
if my safety record is ok during  
the years on my previous license  
I should not be required to do so  
because I use "the Rules of the road"  
every day while performing my job I  
and in safety doing that is showing

Signature: Mark T. Storm (Attach additional pages)

623

My knowledge of the rules.  
A refresher course may be a  
better one to pursue. I would  
like more information on the  
horsepower limits and the proposed,  
practical demonstration of maneuvering  
upon renewal of my license.

In doing my job safely during  
the 5 previous yrs I believe  
I am showing my load handling  
skills. I would like to request a  
public meeting at mco pillingham road  
to get a full understanding of the proposal.

I also would like to see some  
regulation of recreational craft, possibly  
requiring something of course as well  
as some public service announcement  
over TV and radio. To better inform them  
of the risks and hazards of operating  
on a busy traffic waterway. I believe  
it would make the waterways safer.

*Wanda L. Brown*

PO Box 124  
Charlottesville, VA 15022  
C/O Campbell Transp. Co. Inc.

DEAR SIR:

OCT 16 1996

I AM RESPONDING TO PROPOSED REGULATION CHANGES DATED JUNE 19, 1996

1. AS WE ALL KNOW (COAST GUARD AND MARINE INDUSTRY) THERE HAS TO BE A WAY TO TEST THE PROFICIENCY OF ALL NEW PILOTS APPLYING FOR THERE LICENCE, HOWEVER, WHEN YOU SUGGEST EVALUATING THE SKILLS OF CAPTAINS AND PILOTS THAT OUR SIMPLY RENEWING THERE EXISTING LICENCE I DISAGREE COMPLETELY. THIS SEEMS TO BE JUST ANOTHER WAY TO BLEED THE MARINE INDUSTRY AND THE MARINER OF HIS OR HER HARD EARNED MONEY, WITH ALL DO RESPECT THIS LOOKS LIKE RED TAPE BUREAUCRATIC SHIT, BY SOMEONE WITH TO MUCH TIME ON THERE HANDS AND NOT ENOUGH EXPERIENCE OPERATING A VESSEL.
2. REGARDING PROPOSAL # 2 THE CAPTAIN OR MASTER OF THE VESSEL SHOULD BE RESPONSIBLE FOR THE OVERALL PERFORMANCE OF THAT VESSEL, BUT; TO PUT HIS LICENCE ON THE LINE BECAUSE OF AN ACCURANCE THAT HAPPENED WHILE HE WAS OFF WATCH IS UNCONSTITUTIONAL AND AT THE VERY LEAST UNPROFESSIONAL. SIMPLY PUT; THE CAPTAIN CANNOT STAND WATCH 24 HOUR A DAY.
3. NOBODY CAN POSSIBLY AGREE WITH THE DESIGNATED EXAMINER CONCEPT AS IT STANDS IN THE NPRM, EVERYTHING IN THIS PROPOSAL IS UNDEFINED. ONE EXAMINER CANNOT HAVE FINAL SAY AS TO A MARINERS PROFICIENCY.

624



4. I DO AGREE THAT SAFTY HAS A PRICE TAG. MARINERS AND INDUSTRY ALIKE ARE WILLING TO DO THERE SHARE, BUT; THE ESTIMATES YOU PROPOSE WILL MAKE IT SO NO ONE CAN AFFORD TO APPLY FOR HIS ORIGINAL LICENCE OR RENEW EXISTING LICENCE, THERE SIMPLY HAS TO BE A CHEAPER WAY.
5. IF THERE IS TO BE HORSE POWER RESTRICTIONS I AM IN FAVOR OF 5600 HP BREAK POINT

IN CONCLUSION, I WANT TO STATE FOR THE RECORD THAT I AM IN FAVOR OF SAFER NAVIGATION AMONG THE TOWING INDUSTRY. I ALSO THINK THERE ARE BETTER WAYS OF ACHIEVING SAFER NAVIGATION OTHER THAN THE PROPOSED REGULATIONS THAT THE MARINE SAFTY COUNCIL HAS SUGGESTED. A GOOD COMMON SENSE APPROCH FROM THE MEN THAT WORK IN THE MARINE INDUSTRY IS WHAT IS NEEDED

THANK YOU

Charles D Wilson

Smybell Transport Co. Inc.  
PO Box 124  
Charlottesville, PA 15022

9-23-96

To Whom it may concern:

My name is Elmo Pierce. I have been a Captain for ~~25~~ over 25 years. I've worked on the river for 34 years and I just want to let you know how I feel.

I don't believe that there is anyone with experience or knowledge involved in the decision making process to make just decisions on these changes?

I believe that with input from the river industry and licensed operators, that, if changes are needed and made they should be worked out to the satisfaction of everyone.

I hope that the lawmakers of this country don't rush in to making changes that are satisfactory to the general public but isn't practical to the problems that they perceive they will correct. If my request for a public hearing is denied and my appeal to re-examine your positions and consult with the river industries on the proposed changes is ignored.

I have one request, and that is that you make the licensing procedure mandatory for operators of all Crafts. Sailboats, Jet Skis, Pleasure Boats & Pontoon Boats & etc.

Is our vote not as important or powerful as the millions of people that would be affected by such

a requirement.

I realize it's easier to manipulate the lives of  
15,000 as opposed to 150,000.

Is this not the right thing to do.

Laws on the River  
Captain Elmo's River

(Name) STEVE GRIZZLE  
(Mailing Address) P.O. Box 95  
(City, State) Bethany W.V. 26032  
(Date) 10/3/96

OCT 16 1996

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

SUBJECT: Mv comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen.

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only chances to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

I would also like to make the following personal comments to the public docket about this rulemaking:

TO WHOM IT MAY CONCERN:

MY PERSONAL OPINION ON THE PROPOSED RULE MAKING IS THAT I MAKE A LIVING ON THE INLAND WATERWAYS. IT HAS TAKEN ME 4 YRS PLUS TO OBTAIN A C.U.T.V. LICENSE. I USE THE "RULES OF THE ROAD" ON A DAILY BASIS. I KNOW HOW TO OVERTAKE A VESSEL, I KNOW HOW TO PASS ON THE I WINDS. I HAVE BEEN TRAINED BY WHAT I FEEL TO BE A VERY COMPETENT AND EXPERIENCED PEOPLE (15 TO 20 YEARS EXPERIENCE, WITH LITTLE OR NO INCIDENTS).

ALSO I FEEL THAT THE "RADAR COURSE" MAY BE PROFITABLE TO NEWER PILOTS LIKE MYSELF, BUT LETS TAKE A LOOK AT THE OLDER PILOTS WHO HAVE BEEN LICENSED SINCE LICENSING BECAME MANDATORY. THESE PEOPLE ARE PROFESSIONALS, THESE ARE SKILLED INDIVIDUALS. BUT ALOT OF THEM LACK EDUCATION THAT WILL ENABLE THEM TO PASS THIS COURSE.

Signature: Steve Grizzle (Attach additional pages)

626

Now, lets take A look At the Bad Side. If this going to drive the Experienced people from Renewing their License. If this is the case, there goes your "Skilled professionals." The only accomplishment the Industry will get out of this is, Your DAILY RATE will go SKY High and the Quantity & Quality of the Wheelhouse personnel will go down hill.

I Also think that Since I make A Living on the Western Rivers, lets get the publics Attention About personal WATERCRAFT SAFETY. They need to be Informed of the potential HAZARDS that they possess to the RIVER INDUSTRY in the way of commercial traffic.

You NEED A drivers license to operate A CAR, You NEED A Operators License to operate A Commercial Vessel, You Should HAVE to Obtain A License to operate A Recreational CRAFT.

Thank you for your time

Steve Stuzzel

IN REFERENCE TO THE NEW LICENSING PROPOSAL.

EVERYONE KNOWS OF THE AMTRAK ACCIDENT THAT CAUSED THE DEATH OF 47 PEOPLE. WE ALSO KNOW THAT ONE PERSON CAUSED IT. SO NOW IT IS PROPOSED THAT EVERYONE IN THE TOWING INDUSTRY IS TO SUFFER. MY WAGES AS A CAPTAIN OR MASTER WILL HAVE TO BE RAISED DUE TO EXTREME RESPONSIBILITY & EXTREME COST OF LICENSE RENEWAL. SO COMPANYS WILL RAISE THEIR TOWING FEES. POWER COMPANYS WILL RAISE THEIR RATES. GRAIN COST GOES UP. EVERYTHING THAT IS CARRIED BY BARGE WILL RAISE IN PRICE.

I HAVE BEEN WORKING AS A TOWBOAT OPERATOR FOR THE PAST 15 YEARS. I USE THE RULES OF THE ROAD EVERYDAY. NOW I'M TO BE GIVEN A TEST OR A REFRESHER COURSE. WHO BUT ME IS GOING TO PAY FOR THIS. AT THE PRESENT TIME MY LICENSES COST \$80.00 THEN I'M TOLD TO GO TO RADAR SCHOOL COST \$400.00

JUST FOR THE SCHOOL. THEN THERE TRAVEL ROOM-  
MEALS & DAYS OF WORK LOST. WHERE DOES THIS MONEY  
COME FROM. YOU USE YOUR CAR EVERYDAY WHY AREN'T  
YOU RETESTED OR GIVEN A REFRESHER COURSE AT A COST  
TO THE LICENSES PERSON. THERE ARE MANY MORE  
ACCIDENTS ON HIGHWAYS CAUSING DEATHS THAN THERE  
ARE ON THE WATERWAYS.

YOU ALSO WANT TO RESTRICT THESE LICENSE. MOST OF  
YOUR 1800 & 2000 HORSEPOWER BOATS ARE DOING JUST ABOUT  
THE SAME JOB AS YOUR 1000 HORSEPOWER BOATS PUSHING  
JUST ABOUT THE SAME SIZE TOWS. DON'T YOU THINK I COULD

handle a bigger boat AFTER having big TOWS ON A SMALLER BOAT.

I SEEMS THAT THIS PROPOSAL IS TAKING ADVANTAGE OF THE AMTRAK ACCIDENT JUST FOR SOMEONE TO MAKE MONEY & A NAME FOR THEMSELVES.

CHECK INTO HAVING CLASSES FOR PLEASURE BOATERS. GET 11 & 12 YEAR OLD KIDS OUT FROM BEHIND THE WHEEL. THEY ARE NOT ALLOWED TO DRIVE A CAR WITHOUT A LICENSE WHY ARE THEY ALLOWED TO OPERATE A BOAT? PLEASURE CRAFT HAVE A LICENSE NUMBER ON THE BOW. MY CAR HAS A LICENSE NUMBER ON IT. BUT I NEED A DRIVERS LICENES TO OPERATE THE CAR. WHAT'S THE DIFFERENCE WITH A PLEASURE BOAT.

I'M SURE THAT THIS LETTER IS A WASTE OF TIME. NO ONE WILL PROBABLY EVEN READ IT. THAT YOUR MINDS ARE ALREADY MADE UP ON WHAT'S GOING TO HAPPEN. BUT I FEEL BETTER

Thank you

Jacob Evansky

Captain M.V. BILL STILE

Campbell Trans. Co Inc.

Box 124 CHARLESTON, PENND  
15022

OCT 16

(Name) Doug Blanche  
(Mailing Address) Box 86A Blanco Tex  
(City/State) Blanco Texas  
(Date) 10-6-96

TO: Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD 94-055)  
United States Coast Guard Headquarters  
2100 Second Street, SW  
Washington, DC 20593-0001

SUBJECT: My comments on Notice of Proposed Rulemaking on Licensing and Manning for Officers of Towing Vessels.

Gentlemen,

I have read the Notice of Proposed Rulemaking concerning the Licensing and Manning of Towing Vessels. Because I do not have a copy of 46 CFR Parts 10 & 15, and since only changes to these regulations are cited in the NPRM on pages 31341 through 31347, I request that a public meeting be held at the nearest Coast Guard Marine Safety Office after adequate public notice to all towing interests to fully explain and discuss all aspects of this rulemaking. I further request that you mail me a copy of the Final Rule at this address when published.

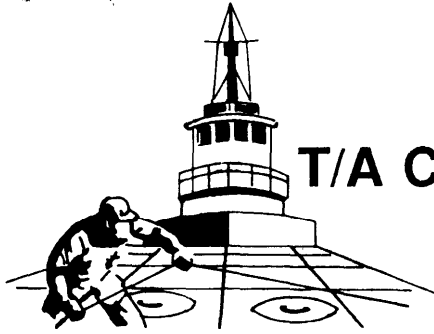
I would also like to make the following personal comments to the public docket about this rulemaking:

IT IS MY BELIEF THAT IF A MAN IS  
LICENSED TO OPERATE A VESSEL HE  
AND HE ALONE SHOULD BE RESPONSIBLE  
FOR HIS ACTIONS AT THE WHEEL  
AS FOR MAKING IT SAFER ON THE  
WATERWAYS I THINK TOW SIZE  
AND ~~PERSONAL~~ COAST GUARD INSPECTIONS  
WOULD HELP. THERE ARE A LOT  
OF TOWS OVERSIZED FOR THE BOAT HP.  
MAKING TOW VESSELS INSPECTED FOR  
PROPER PERSONNEL SUCH AS REQUIRING  
ENGINEERS ON BOARD. AS FOR DIFFERENT  
HP FOR DIFFERENT HP. I THINK  
THE BREAK POINT SHOULD BE 5,000 HP. IF ANY

Signature: Doug Blanche (Attach additional pages)

628





OCT 16 1996

# **D & H CORPORATION**

## **T/A C & P TUG AND BARGE COMPANY**

5360 Robin Hood Road, Suite 202  
Norfolk, Virginia 23513  
Phone: (757) 858-2227  
Fax: (757) 858-2231

October 16, 1996

Executive Secretary  
Marine Safety Council  
U. S. Coast Guard Headquarters  
2100 Second Street SW  
Washington, D.C. 20593-0001

To Whom It May Concern:

The Towing and Barge Operators Committee of the Hampton Roads Maritime Association has convened and reviewed the above referenced proposal and wishes to provide comments in accordance with the publication of the Federal Register dated June 19, 1996. The Towing and Barge Operators Committee is comprised of the towing and barge member companies within the Hampton Roads Maritime Association, which was organized in 1920 to promote, protect and encourage commercial shipping in the port of Hampton Roads and of its 28 standing committees the Towing and Barge Operators Committee has 13 members. The Towing and Barge Operators Committee has determined that the proposed rulemaking is unacceptable in the present state.

Under the proposed rule the existing license structure would be revised to a new set of graduated mater's and mates' licenses, limited to towing vessels in general. Holders of existing license would be issued at time of renewal. A consolidation of the current license structure is needed to eliminate confusing and often a duplication of license. The issuance of a license with a set of towing endorsement is in our opinion, a strong foundation to build on. In order to preserve a strong experienced work force, "grandfathering" should be the rule not the exception.

In regards to the proposed rule setting licensing based on horsepower, the Committee feels that the towing endorse license should be predicated on a horsepower floor of 5,000 and should be structured to offer a mariner sufficient sea time and frequency to sit for the appropriate test. The idea of having "apprentice mates" with a required amount of time in grade regardless of skill and knowledge is just another unnecessary step in the career path mariners.

The two watch system has been a standard in the towing industry for years and has for the most part been a very cost effective and safe manner in which to operate towing vessels. Stricter enforcement instead of changing the existing system would be an appropriate measure regarding this subject.

629

It would appear that the apprentice mate (steersman) is the formalization of an existing training system in place with the majority of the towing companies. The question is, should a candidate be subject to this additional formal step in a career path? More important to the companies involved should the training in the wheelhouse of deck personnel be subject to a license requirement?

In regards to assistance towing, we feel that anyone who performs commercial towing or towing for hire should be licensed by the Coast Guard and should be subject to the same testing and requirements as their counterparts.

For the requirements for renewal of licenses, we feel that any mariner who successfully maintains a clear safety record, who has the required time in service and who completes a test on the rules of the road or a refresher course should not be subject to any further scrutiny by machine or man. Demonstration of his or her proficiency lies in the fact that the mariner has successfully managed, operated and performed his or her duties, and therefore the proposed requirements would be redundant and unnecessary.

The Towing and Barge Operators Committee of the Hampton Roads Maritime strongly objects to the proposed rule as set forth, and hopes that you will consider the comments of our committee as you deliberate this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. R. Furlough', followed by a long horizontal line extending to the right.

Stephen R. Furlough  
Vice President of Operations



**MARQUETTE** TRANSPORTATION CO., INC

P.O. Box 1456  
2308 South 4th Street  
Paducah, Kentucky 42002-1456  
(502) 443-9404

007 6

October **16, 1996**

Executive Secretary  
Marine Safety Council (G-LRA/3406) [CG094-055]  
U. S. Coast Guard Headquarters  
**2100** Second Street  
Washington, DC **20593-0001**

RE: Rulemaking for Licensing and Manning  
for Officers of Towing Vessels (**46** CFR Part **10, 15**)

Gentlemen:

I am writing to comment on the above proposed rulemaking. On behalf of Marquette Transportation/Bluegrass Marine, Inc. and all licensed mariners in our employ we feel that one public hearing and a short comment period are substantially inadequate for regulations that will affect a nationwide segment of America's vital workforce.

Therefore I would like to submit the following comments for the record:

- 1.) I feel additional public meetings should be scheduled in various areas of the country to obtain opinion from a broader cross section of mariners.
- 2.) The comment period should also be extended for the same reason.
- 3.) Those directly involved with the rulemaking proposal take the responsibility of making themselves aware of the practical application of the rulemaking by actually spending some time aboard various horsepower vessels to gain a better understanding of the industry that they are regulating.
- 4.) I agree with the three-step approach to which wheelhouse personnel be licensed. I do not agree with the demonstration of proficiency for license renewal. This should only be required for evaluating the skills of a mariner seeking an original license. The master/pilot's own record should provide ample proof of their piloting ability. Any additional training courses, check rides, simulator use or refresher rules of road exams only further burden the inland mariner and industry with uncontrollable costs with no guarantee of improved safety.

630

- 5.) Although the master of the vessel has the overall responsibility of the vessel and crew it is unjust for regulations making that individual legally responsible for anything that transpires aboard the vessel **24** hours a day. Regulations already state that a licensed mariner not be on duty not more than **12** hours in an **18** hour period. When the master is off watch, the master should not be held liable for the actions of another licensed individual on watch.
- 6.) Incorporation of the Designated Examiner concept as it stands in the NPRM is unacceptable as it is too vague in defining the duties, responsibilities and qualifications of the examiner. These issues require further review before anything can be agreed upon.
- 7.) As for the horsepower breakpoint I find that to be inconsequential. Every towing situation presents itself with different horsepower requirements which may require a higher skill level for a lower horsepower vessel. If restrictions are required 3,000 - 4,000 is favorable.

I appreciate the opportunity to comment and hope these proposed regulations remain open for further study so as not to lose sight of the real goal "increased safety".

Sincerely,



Marquette Transportation Co.  
Thomas E. Erickson  
Executive Vice President